

AMENDED IN SENATE JULY 11, 2019
AMENDED IN SENATE JUNE 28, 2019
AMENDED IN SENATE JUNE 25, 2019
AMENDED IN ASSEMBLY MARCH 11, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 137

Introduced by Assembly Member Cooper

December 7, 2018

An act to amend Section 8720 of, to add Section 8540 to, and to repeal and add Section 8712 of, the Water Code, relating to flood control.

LEGISLATIVE COUNSEL'S DIGEST

AB 137, as amended, Cooper. Facilities of the State Plan of Flood Control.

Existing law establishes the Central Valley Flood Protection Board and authorizes the board to engage in various flood control activities along the Sacramento River, the San Joaquin River, their tributaries, and related areas. Existing law requires every plan of reclamation, flood control, drainage, improvement, dredging, or work, that includes or contemplates the construction, enlargement, revetment, or alteration of any levee, embankment, canal, or other excavation in the bed of or along or near the banks of the Sacramento or San Joaquin Rivers or any of their tributaries or connected therewith, upon any land adjacent thereto, within any of the overflow basins thereof, or upon any land susceptible to overflow therefrom, to be approved by the board before construction is commenced. Existing law prohibits a levee along a river

or bypass at any of those specified places, or any levee forming part of any adopted flood control plan, from being cut or altered without permission of the board. Existing law makes a violation of the latter provisions a misdemeanor.

This bill would instead prohibit a person from concealing, defacing, destroying, modifying, using, occupying, cutting, altering, or physically or visually obstructing any levee along a river or bypass at any of those specified places, any levee forming part of any flood control plan, or any other facility of the State Plan of Flood Control ~~Control~~, *including, but not limited to, any and all associated rights of way*, without permission of the board. By expanding the behavior that would be punishable as a misdemeanor, the bill would impose a state-mandated local program. The bill would authorize the board or its designee, or a local agency that maintains the levee or facility, to inspect and remove any physical or visual obstructions placed or alterations made on any of the above-specified levees or ~~facilities~~. *facilities, including, but not limited to, any and all associated rights of way*. The bill would authorize a peace officer, as defined, to enforce those provisions punishable by a misdemeanor in any place in the state to which the peace officer's authority extends.

This bill would declare, among other things, that facilities of the State Plan of Flood Control are critical public infrastructure necessary for the protection of life, property, and the economy.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8540 is added to the Water Code, to read:
- 2 8540. The Legislature finds and declares as follows:
- 3 (a) The federal, state, and local governments have invested
- 4 billions of dollars into improving the State Plan of Flood Control,
- 5 which is composed of essential public safety infrastructure.
- 6 (b) The purpose of and need for the State Plan of Flood Control
- 7 is to protect life, property, and the economy.

1 (c) Facilities of the State Plan of Flood Control are critical public
2 infrastructure necessary for the protection of life, property, and
3 the economy.

4 SEC. 2. Section 8712 of the Water Code is repealed.

5 SEC. 3. Section 8712 is added to the Water Code, to read:

6 8712. (a) A person shall not conceal, deface, destroy, modify,
7 use, occupy, cut, alter, or physically or visually obstruct any levee
8 along a river or bypass at any of the places mentioned in this article,
9 any levee forming part of any of the plans of flood control adopted
10 by this part or by the board, or any other facility of the State Plan
11 of Flood-~~Control~~ Control, *including, but not limited to, any and*
12 *all associated rights of way*, without permission of the board.

13 (b) The board or its designee, or a local agency that maintains
14 the levee or facility, may inspect and remove any physical or visual
15 obstructions placed or alterations made on any levee along a river
16 or bypass at any of the places mentioned in this article, any levee
17 forming part of any of the plans of flood control adopted by this
18 part or by the board, or any other facility of the State Plan of Flood
19 ~~Control~~ Control, *including, but not limited to, any and all*
20 *associated rights of way*.

21 SEC. 4. Section 8720 of the Water Code is amended to read:

22 8720. (a) Any person who does any act contrary to or in
23 violation of any of the provisions of this article is guilty of a
24 misdemeanor.

25 (b) A peace officer, as defined in Chapter 4.5 (commencing
26 with Section 830) of Title 3 of Part 2 of the Penal Code, may
27 enforce the provisions of this article in any place in the state to
28 which the peace officer's authority extends.

29 SEC. 5. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.